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Application/Control Number: 09/856,228
Art Unit 3722

March 12, 2009

VIA FACSIMILE: 14 pages including this cover sheet

- 1) Reply Brief (8 pages) to Office Action of March 3, 2009
- 2) Appendix A = Amended Claims (5 pages)

To: Ms. Jamila Williams, Examiner, Art Unit 3722

From: Craig L. Linden, Appellant in pro per

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Application/Control Number: 09/856,228
Art Unit: 3722

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Linden, Craig L.
Application No.: 09/856,228
PCT Filed July 31, 2000
Title: Method and Apparatus for Powered Interactive
Physical Displays
Group Art No.: 3722
Examiner: Jamila O. Williams
Date: March 12, 2009

MAIL STOP REPLY BRIEF – PATENTS

Commissioner of Patents
Alexandria, VA 22313-1450

Ms. Williams, Examiner:

Today, the Applicant, in pro per submits his Reply to the first non-final RCE Office Action which was mailed March 3, 2009. Thank you for accepting my RCE. However, I am surprised by the new Office reference regarding 102(e) and by the Office re-citing of Lander. In this Reply, I will use the same numbers used by the Examiner. This reply relates to the Applicant's embodiments that seem to be the focus of the Office's current rejections and objections.

Definition of Interactive Physical as Applied by Applicant in this Reply

"Interactive" according to Webster's Dictionary: "Mutually or reciprocally active; allowing two-way electronic communications".

"Physical" relevant portion of Webster: "of or relating to the body".

Two or more beings: "Physically Interactive" will be used below by Applicant to mean that two or more persons shake hands or in some manner touch or hug (tactile, haptic,

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motion, force, etc., hereinafter "touch") When connected via a two-way communication system of any type, remote-enabled embodiments of Applicant's physical displays devices, allow remotely located persons to transfer and receive (*transceive*) touch.

A single being using one or more of the Applicant's Physically Interactive devices means that the user is actively interacting with the device. Brain and body are actively engaged with inputting and the body and/or brain are engaged with the physical output of the display. It does not mean, for instance, selecting an automatic temperature setting as one might do on an electric blanket, nor selecting an automatic setting on a vehicle seat device.

Reply to Claim Objections

2. Applicant will correct Claims 6, 11, 13, 17, 19 and 21-25, because of the objection under 37 CFR 1.75(c). Please see the attached corrected Claims Appendix A.

Reply to Claim Rejections – 35 USC Sect. 102(e)

4. Claims 1-5 were rejected as being anticipated by 6,744,370 to Sleichter, which was published June 1, 2004. The Office states in part, "Sleichter discloses a tactile interactive system..." However, it is understood by Applicant that Sleichter discloses a vehicle-based multi-programmed seat-pad massager including a programmed tactile alert function should the driver become sleepy. The motorized vibrators massage and can alert the driver but this device is not "interactive" as explained above.

The Office referenced patent discloses that a vehicle operator merely selects between different programs, and then the device performs the desired pre-scripted massage and/or alert functions completely automatically. Office referenced "transducing means for input..." by the user is limited to just starting an automated machine.

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Applicant respectfully submits that the structures disclosed by Sleichter are not, as stated by the Office, inherently capable of the Applicant's claimed functions. Applicant does not anticipate that any motivation would be present to cause one skilled in the art, and with knowledge of the newly cited Sleichter reference, to use the disclosure to create the far different devices, methods and claims disclosed by the Applicant.

Reply to Claim Rejections – 35 USC Sect. 103(a)

Kikinis System used with teachings of Lander is not a Prima Facie Case

6. Claims 1-5 were rejected as being unpatentable over 5,746,602 to Kikinis in view of 5,984,880 to Lander which was published November 16, 1999. The Office first restates a list of Kikinis '602 structures that the Applicant rebutted in his August 4, 2008 RCE based argument section. The Examiner deemed Applicant's August 4, 2008 arguments "moot" in the current Office Action, under "Response to Arguments".

Applicant respectfully requests that his prior arguments, and his statements regarding the actions by the larger firms he contacted, be incorporated by reference into this Reply.

Below is a summary of Applicant's prior arguments as they relate to the current Office Action's unchanged recital of selected Kikinis' structures:

- a) According to Kikinis' his powered display doll's physical motions are entirely controlled by pre-scripted routines residing in the pc host computer memory banks, CDs, etc. There are no live give-and-take physical interactive hugs possible between the doll and the child, nor between remote persons using two dolls. Kikinis discloses his dolls that are computer peripherals tethered to computers. Even if the tether was not a hardwired cable, but for instance, a Bluetooth short range RF connection – it's still a tether, without which the doll

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would be totally inoperable. If the computer is removed from the Kikinis doll nothing in the doll is enabled. The main advancement claimed in the Kikinis patent relates to pairing the PC's power, memory and Internet connection with one or more dolls.

- b) An input and output transducing means – here the relevance of the Office's statement is partially correct. Applicant agrees Kikinis' powered physical "output structures" may have some relevance. However, the primary input transducing means controlling these Kikinis output structures, is the PC based pre-scripted physical routines. So, that as is (a) above – there is no live interactive transducing possible – and therefore does not relate to Applicant's application.
- c) Kikinis requires a minimum of two energy sources to operate one doll.
- d) Kikinis' dolls are displays solely remotely controlled via the tether to the PC. The input switch on the doll controls the remote computer by selecting physical programming. This is not local control of the doll because the doll's motions are automated for the child's viewing pleasure.
- e) Kikinis does not disclose delivery of any type of electrical energy to a being via his dolls.
- f) Kikinis only discloses use of a computer screen, which the Office deems an additional "hybrid display". Whereas, Applicant discloses true hybrid physical displays capable of delivery of two or more physical forms of energy to a being.
- g) Kikinis does not disclose any method or structure or thought regarding recording physical routines by the user. All physical routines are recordings on CDs, etc., that may be purchased by the user.

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- h) The Office states that the Kikinis apparatus is not operable without a pc host computer. This is one of the Applicant's arguments over the past years.

The above (a) through (h) summaries are very important, because when studied with Applicants' more complete former arguments (including those of August 4, 2008), demonstrate how the Office's precedent statements to Lander's teachings, are unfounded as related to the Applicant's disclosures.

Though critically inaccurate, the Office suggests it would have been obvious to one skilled in the art, to use the published teachings of Lander with the system of Kikinis for the purpose of making the system "wireless". Wireless RF has been around for over 100 years – Lander made no claims regarding using wireless, he simply mentioned wireless as one of the possible ways of connecting his components, and/or for long distant communications. Over the years of prosecution the Applicant does not recall any issue made by the Office regarding "wired" versus "wireless" and questions why the issue is being raised so late.

Applicant does not believe using Lander's remarks to change Kikinis' wired tether to a wireless tether, in any way or manner, makes Applicant's application obvious. Since Kikinis discloses use of the Internet, which can be wired and/or wireless, Applicant assumes the Office "wireless" case is focused on Kikinis' cabled tether. Additionally, Applicant does not believe using (should the Office be suggesting such) Lander's remarks or patent to mean Kikinis' systems somehow become an obvious enabling reference by not using PC host computers. Why would a wireless tether improve the Kikinis system, had someone thought to combine Lander's teachings Kikinis? If improved, why would the new combination suggest Applicant's invention obvious?

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Reply to Office Response Arguments

Applicant feels that his former arguments are not "moot". Any attempt to combine the Kikinis system with Lander's teachings needs to be based on factually correct posits concerning the Office-referenced Kikinis structures. To do this the Office would first need to fully address why each of Applicant's explanations and arguments (including those of August 4, 2008) of Kikinis' structures have not been accepted by the Office. The Applicant submits that a prima facie case for obviousness has not been established.

Unexpected Results of Applicant's Invention

Applicant is 61 years old. He suffered several stroke-like attacks in the 1990s that may have been TIAs (transient ischemic attacks) which periodically paralyzed one side of his body. While using a one-handed sponge-ball exerciser, he realized it would be better if the good hand could help exercise the weak hand. Within days he prototyped such a device, and later experimented with two of the hand-held devices used by two remotely located persons. The unexpected results related to both the single person two-handed device and two persons using the devices via a communication system.

The single person two-handed device is called the Cross-Brain X Cross-Body Exerciser. It's used to exercise the brain and help create or repair synapses, while also strengthening the hands and arms. And because the brain hemispheres, cross-over the opposite limb-sides, there was also a brain hemisphere coordination benefit. This device acted as the creative starting point for Applicant's various embodiments of his single person powered interactive display devices. This prototype is slated to be studied as being a "unique" bilateral manual input/output device. Dr. Liz Franz, Director of the Action, Brain, and Cognitive Lab at the University of Otago, New Zealand, plans to use the device in the Lab's functional MRI studies of the brain/body connection.

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Using the devices between remotely located persons also resulted in unexpected results. When the powered interactive near real-time prototype devices were used to *transceive* live physical input/output actions, while paired with voice communications, the tactile/haptic/ actions felt as if the persons were actually touching or holding hands. These experiments lead Applicant to realize why, for example, live remote hugs would be worthwhile to separated families.

Commercial Success by Others

Following Applicant's early contact with several large wireless device manufacturers, software firms and carriers, there have been hundreds of millions of mobile phones enabled with vibration enhanced game play. These large firms have annual research and development budgets in the hundreds of millions of dollars/Euros, etc. They motivate huge staffs and maintain experimental labs worldwide to combine available technologies, publications and patent related references to create the-next-best-thing. Why didn't at least one of these large companies create my invention before I did? Of course, in the 1990s most mobile phones didn't have vibrators or even batteries capable of supporting additional power loads.

Conclusion

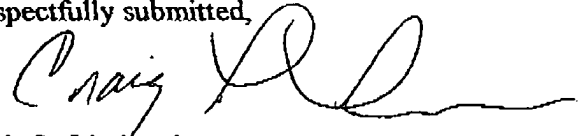
Applicant has fought the Office referenced Kikinis patent 5,746,602 reference for years as a novel block to his patentability. Now, with little explanation Kikinis has been changed to an "obvious" reference-block when used with Lander. However, the Office cites a new novelty reference hurdle which is patent 6,744,370 by Sleichter. Applicant believes that his arguments above defeat all three of these references as applied the current Office Action, and that he wishes to work cooperatively with the Office to make any necessary corrections to prepare the application for grant.

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Because of the radical current change in focus by the Office, Applicant reserves the right to: make additional arguments if necessary; supply sworn testimony; and to amend his claims. Applicant requests claim drafting assistance from the Patent Office.

Respectfully submitted,



Craig L. Linden, in pro per

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CERTIFICATE OF TRANSMISSION BY FACSIMILE

Sir:

The undersigned hereby certifies that the Applicant filed this Reply to the Office Action mailed March 3, 2009, via facsimile on March 12, 2009, to the USPTO fax number (571) 273-8300.

Dated: March 12, 2009



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Appendix A -- CLAIMS

Claims – Corrected March 12, 2009 regarding Multiple Dependant Problem

Otherwise the same as Revised Claims August-October 24, 2008

Claims: *The following is a listing of all claims in the application with their status and the text of all non-cancelled claims.*

What is claimed is:

1. (CURRENTLY AMENDED) A powered interactive physical display apparatus operable without scripted control routines executed by the CPU of a PC host computer, said apparatus comprising ~~capable of live operation with or without a separate personal computer host (PC), such display particularly for interaction with living beings comprised~~ of:

- (a) an energy source means for providing power to the apparatus, local or remote;
- (b) transducing means for input and display output, local or remote, selected from the group consisting of transducers, sensors, switches, actuators, generators, motors;
- (c) ~~a physical display means, powered by said energy source~~ means for operatively connecting said energy source means and transducing means.

2. (CURRENTLY AMENDED) A powered interactive physical display apparatus operable without operating environment software loaded on the RAM of a PC host computer, said apparatus comprising ~~capable of operation with or without built in audio control circuitry, speakers and microphones, such display particularly for interaction with living beings comprised of:~~

- (a ~~d~~) an energy source means for providing power to the apparatus local or remote,
- (b ~~e~~) transducing means for input and display output,
- (c ~~f~~) ~~a physical display means, powered by said energy~~ means for operatively connecting said energy source means and transducing means.

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3. (CURRENTLY AMENDED) A powered interactive physical display apparatus ~~as recited in claim 1, further comprised of a covering or enclosure means, at least partially covering or enclosing said apparatus operable without a PC host computer, said apparatus comprising:~~

- (a) an energy source means for providing power to the apparatus,
- (b) transducing means for input and display output,
- (c) means for operatively connecting said energy source and transducing means.

4. (CURRENTLY AMENDED) A powered interactive physical display apparatus ~~as recited in claim 2, further comprised of a covering or enclosure means, at least partially covering or enclosing said apparatus operable without servo-mechanisms, said apparatus comprising:~~

- (a) an energy source means for providing power to the apparatus,
- (b) transducing means for input and display output,
- (c) means for operatively connecting said energy source and transducing means.

5. (CURRENTLY AMENDED) A powered interactive display apparatus ~~as recited in claim 3, according to any one of claims 1-4, further comprising, comprised of means to remove and replace said covering or enclosure means for operatively connecting said energy source means and transducing means to substantially reduce time lag.~~

6. (CURRENTLY AMENDED) A powered interactive display apparatus ~~as recited in claim 4, according to any one of claims 1-4, further comprising comprised of means to remove and replace said covering or enclosure means for operatively connecting said energy source means and transducing means for producing substantially dissimilar powered display output as compared to input.~~

7-8 (PREVIOUSLY CANCELED)

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9-10 (CURRENTLY CANCELED)

11. (CURRENTLY AMENDED) A powered interactive display apparatus ~~as recited in claim 1, according to any one of claims 1-4,~~ further ~~comprising~~ comprised of ~~a means for~~ local or remote control means.

12. (CURRENTLY CANCELED)

13. (CURRENTLY AMENDED) A powered interactive physical display apparatus ~~as recited in claim 1, according to any one of claims 1-4,~~ further ~~comprising~~ comprised of means to deliver electrical energy and other forms of energy to a being.

14. (CURRENTLY CANCELED)

15-16 (PREVIOUSLY CANCELED)

17. (CURRENTLY AMENDED) A powered interactive physical display apparatus ~~as recited in claim 1, according to any one of claims 1-4,~~ further ~~comprising~~ comprised of ~~a means for~~ transceiving communications means.

18. (CURRENTLY CANCELED)

19. (CURRENTLY AMENDED) A powered interactive physical output display apparatus ~~as recited in claim 1, according to any one of claims 1-4,~~ further comprised of ~~a means for~~ recording and playing back ~~playback means~~ information.

20. (CURRENTLY CANCELED)

21. (CURRENTLY AMENDED) A powered interactive physical display apparatus ~~as recited in claims 1, according to any one of claims 1-4,~~ further comprised of ~~an means for~~ additional or hybrid displays means for inputting or displaying additional other forms of energy or other media.

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22. (CURRENTLY AMENDED) A powered interactive physical display apparatus ~~as recited in claims 2, according to any one of claims 1-4,~~ further comprised of ~~an means for~~ additional or hybrid displays ~~means~~ for displaying additional ~~other~~ forms of energy or ~~other~~ media.

23. (CURRENTLY AMENDED) A method for transferring various forms of energy ~~to and/or from remote~~ between remotely located persons, the method comprising of providing at least ~~one~~ two persons with an appropriate versions of the powered interactive physical display apparatuses ~~claimed herein, according to any one of claims 1-4, and then~~ connecting said apparatuses to a communication network.

24. (CURRENTLY AMENDED) A method for providing centrally controlled energy display services to or from remote individuals or groups, ~~integrating, in whole or in part, the functional means, or method of integrating physical display functions related to the various versions of the powered interactive physical display apparatus, as claimed and suggested herein, with distinct devices and/or distinct programming,~~ the method comprising the following steps:

- a) providing one or more remote humans with a version of the powered interactive physical display apparatus equipped with communication means, as ~~previously claimed~~ according to any one of claims 1 to 4;
- b) connecting at least one said display apparatus to a communication system for communication with a central control center;
- c) transmitting control information to or from said central control center ~~to and/or from~~ one or more said remote powered interactive physical display apparatus.

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25. (CURRENTLY AMENDED) Method for integrating, in whole or in part, the functional means ~~or method of integrating physical display functions related to the various versions of the powered interactive physical display apparatus, as claimed and suggested herein, according to any one of claims 1-4, with distinct devices, objects and/or by distinct programming, so as to add selected new physical effects,~~ the method comprising the following steps:

- a) selecting one or more integration candidate devices or ~~and~~ products from the following ~~general categories:~~ list of wired or wireless devices, medical devices, therapy devices, rehabilitation devices, monitoring devices, chiropractic devices, massage devices, exercise devices, phones, pagers, Internet access devices, electronic stimulation devices, medicine and reward vaults, entertainment devices, thermal therapy devices, virtual reality systems, single and multi-player game devices, gambling devices, computer systems, exercise devices, sleep monitoring and sleep enhancing devices, magnetic, light, radio frequency and infrared treatment and therapy devices, bio-vital signs devices and breathing monitoring devices, alarm devices, automotive systems and components, sporting devices, contest related devices, ~~devices,~~ toys, stuffed animals and characters, eldercare, childcare and animal care devices, clothing, wearable devices, GPS devices and all such possible combinations of devices or products listed above, etc.;
- b) ~~design as necessary a suitable integration plan for the device(s) so selected;~~ applying such appropriate modification steps to the selected candidate devices, products or combinations thereof as necessary to integrate the desired selected physical display functionalities.
- c) completing said modification steps, ~~such integration,~~ testing and modifying and retesting as required necessary.

Wherein, thereby adding one or more new powered interactive physical display capabilities to known devices which heretofore lacked such capabilities.